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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,970	01/26/2004	John Robert Goepfert	1453	9307
7590 Donald J. Ersler Attorney at Law 725 Garvens Ave. Brookfield,, WI 53005		03/02/2007	EXAMINER CHAMBERS, TROY	
			ART UNIT 3641	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE		
30 DAYS	03/02/2007	PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Newly submitted claims 5-24 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: The original claims did not require the forming of a cleanout opening nor the movable engagement of a cleanout cover with a barrel. Moreover, new claims 5-24 appear to a hybrid of a method of making and an apparatus claim.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 5-24 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

2. The amendment filed on 09/26/06 canceling all claims drawn to the constructively elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment.

EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

### ***Conclusion***

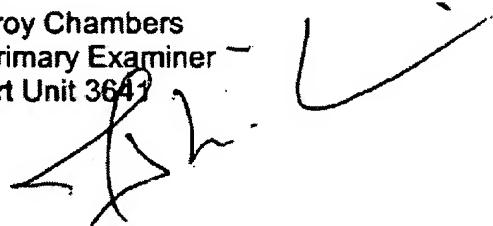
3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Troy Chambers whose telephone number is (571) 272-

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6874 between the hours of 7:00 a.m. to 3:30 p.m., M-F. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael J. Carone, can be reached at (571) 272-6873.

Troy Chambers  
Primary Examiner -  
Art Unit 3641



TC  
21 February 2007